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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**  
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7 BARBABRA MORIN,  
8 Plaintiff,  
9  
10 v.  
11

12 MICHAEL WILLIAMSON, et al.,  
13 Defendants.  
14

Case No. 2:22-cv-00583-JAD-NJK

15 **ORDER**  
16  
17 [Docket Nos. 28, 29]

18 Pending before the Court are Defendants' motions to compel. Docket Nos 28, 29.  
19 Defendants' motions seek substantively the same relief: access to Plaintiff's employment records  
20 from her employer, Crown Lift Trucks. Defendants' first motion asks the Court to compel non-  
21 party Crown Lift Trucks to provide Plaintiff's employment records directly to Defendants. Docket  
22 No. 28 at 1. Defendants' second motion asks the Court to compel Plaintiff to provide an  
23 authorization to obtain her employment records from Crown Lift Trucks. Docket No. 29 at 15.  
24 Plaintiff filed a response. Docket No. 30. Defendants filed a reply. Docket No. 32. Crown Lift  
25 Trucks declined to file a response because it is neutral regarding whether the records are disclosed.  
26 Docket No. 32 at 3. The motions are properly resolved without a hearing. *See* Local Rule 78-1.  
27

28 **I. INTRODUCTION**

29 Plaintiff initially filed this case in state court, Docket No. 1-3, and Defendants removed the  
30 case to this Court on April 6, 2022, Docket No. 1. Plaintiff and Defendant Michael Williamson  
31 were involved in a car accident on November 1, 2021. Docket No. 1-3 at 3. Plaintiff alleges that  
32 Defendant Williamson caused the accident by negligently veering out of his lane and colliding  
33 with her car. *Id.* at 4. She further alleges that the accident caused her to sustain physical and  
34 emotional injuries which require ongoing treatment and limit her occupational and recreational  
35 activities. *Id.*

1       The instant dispute involves Defendants' efforts to obtain Plaintiff's employment records  
 2 from her employer, Crown Lift Trucks. Defendants first asked Plaintiff to provide an authorization  
 3 to obtain her employment records on May 3, 2022. Docket No. 29 at 3. Plaintiff declined to do  
 4 so. *Id.* at 4. Defendants' counsel again asked for an authorization to obtain Plaintiff's employment  
 5 records following her deposition on October 7, 2022. *Id.* at 5. That request was also denied. *Id.*  
 6 Defendants also attempted to obtain Plaintiff's employment records directly from Crown Lift  
 7 Trucks. *Id.* at 6. They issued subpoenas to Crown Lift Trucks on October 18, 2022, requesting  
 8 production of documents by, and noticing a deposition on, October 24, 2022. *Id.* Crown Lift  
 9 Trucks did not comply with those subpoenas but did provide some of Plaintiff's employment  
 10 records to Defendants on November 10, 2022. *Id.* It withheld the remainder of Plaintiff's records  
 11 on the basis that they contain confidential or health information. *Id.* Defendants made one last  
 12 request for Plaintiff to sign a release for her complete employment records on November 14, 2022.  
 13 *Id.* That request was denied. *Id.* The instant motion practice followed.

14 **II. STANDARDS**

15       "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any  
 16 party's claim or defense and proportional to the needs of the case ...." Fed. R. Civ. P. 26(b)(1).  
 17 Relevance during discovery is broader than relevance at trial. *E.g., F.T.C. v. AMG Services, Inc.*,  
 18 291 F.R.D. 544, 552 (D. Nev. 2013). "The party seeking to avoid discovery bears the burden of  
 19 showing why that discovery should not be permitted." *V5 Tech. v. Switch, Ltd.*, 334 F.R.D. 306,  
 20 309 (D. Nev. 2019). Meeting that burden requires the objecting party to explain "how each of its  
 21 objections is applicable, by providing the relevant standard for each objection and a meaningfully  
 22 developed argument as to how the standard has been met." *Hinostroza v. Denny's Inc.*, 2018 WL  
 23 3212014, \*1 (D. Nev. 2018) (citing *Green v. Bacca*, 226 F.R.D. 624, 653 (C.D. Cal. 2005)).  
 24 "[B]road discretion is vested in the trial court to permit or deny discovery." *Hallett v. Morgan*,  
 25 296 F.3d 732, 751 (9th Cir. 2002).

26 **III. DISCUSSION**

27       Defendants submit that Plaintiff's employment records are relevant to Plaintiff's claimed  
 28 loss of earnings, lost wages, and loss of enjoyment of life. Docket No. 29 at 4-5. Defendants

1 further submit that Plaintiff's employment records are relevant to rebut her economics expert  
 2 witness' report and testimony. *Id.* at 5-6. Defendants also submit that the records are relevant to  
 3 their defenses and to impeach Plaintiff's witnesses. *Id.* at 6-7. Plaintiff responds that her  
 4 employment records are not relevant because she is not pursuing claims for lost wages or loss of  
 5 earnings. Docket No. 30 at 3. Plaintiff further responds that her employment records are not  
 6 relevant to rebut her expert witness' report and testimony because he did not evaluate her inability  
 7 to work and only opined on her loss of enjoyment of life. *Id.* The Court finds that Plaintiff's  
 8 employment records are relevant to this case.

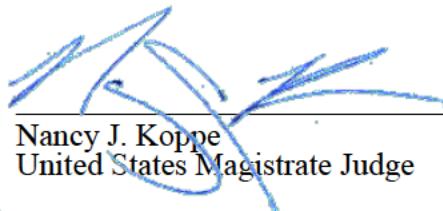
9       Despite Plaintiff's assertions, her complaint alleges that her injuries sustained in the  
 10 accident "have limited her occupational and recreational activities, which has caused [her] a loss  
 11 of earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of  
 12 life." Docket No. 1-3 at 4 ¶ 22. Since the operative complaint contains allegations of limitations  
 13 of occupational activities, lost wages, and loss of earnings, the Court finds that Plaintiff's  
 14 employment records are relevant to this case. *Hinostroza*, 2018 WL 3212014 at \*7-\*8.

15 **IV. CONCLUSION**

16       For the reasons more fully discussed above, Defendants' motion to compel Plaintiff to sign  
 17 an authorization to obtain employment records is **GRANTED**. Docket No. 29. Plaintiff is  
 18 **ORDERED** to sign a release authorizing Defendants to obtain her employment records from  
 19 Crown Lift Trucks. Plaintiff must provide the signed release to Defendants no later than January  
 20 4, 2023. Additionally, Defendants' motion to compel Crown Lift Trucks to provide Plaintiff's  
 21 employment records is **GRANTED**. Docket No. 28. Crown Lift Trucks must provide Plaintiff's  
 22 employment records to Defendants no later than January 18, 2023.

23       IT IS SO ORDERED.

24       Dated: December 27, 2022

25   
 26 Nancy J. Koppe  
 27 United States Magistrate Judge  
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